



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES: MEETING OF JUNE 7, 1993 SPALDING SCHOOL ROOM 2

Chair Ernstoff opened the meeting at 8:04; members present were Chaput, Hughes, Colman, Duscha and Yanofsky. Also present were Paul Alphen, Brian Hebb, and Kevin Conover, representing Ice Pond Subdivision, and Ice Pond abutters and interested citizens Steve Tobin of 164 Partridge Lane, Ken Bilodeau of 139 Rutland St., Cheryl Finn of 525 East St., Jim Davis of 469 East St., and, at 9:00, Pat Loring, Conscom Administrator.

The minutes of the meeting of May 24, 1993 and of the public hearing on the special permit application of Scott and Judith Munroe were approved as corrected.

Bills were approved for payment as presented. Hughes moved that the fourth person to sign the bills hand carry them back to the Planner Assistant; Colman seconded the motion. The Board discussed a suggestion by Duscha to have a Master Plan consensus building booth at Old Home Day; it was felt there would not be enough time to implement this creative idea before July 3.

At 8:15, the Chair adjourned the meeting to the end of the public hearing scheduled for this time. The meeting was reconvened at 9:07.

Ice Pond Bond Reduction Brian Hebb asked that the Board reduce the bond on Ice Pond Road by \$15,935., based on the road inspection and revised estimate done by Peter Parent of Landtech, dated May 28, 1993. Landtech liaison Colman raised the unresolved issue of the culvert at station 1+25, which appears to be set too high to take overflow from the associated wetland. Hebb replied that the culvert is set at the level shown in the subdivision plan. Finn, the abutter to the wetland, was asked if she has experienced higher water levels at her property line. She felt there was actually less water close to her property than formerly. Loring commented that she was pleased to hear the culvert is set at the correct elevation, and that she feels the water level will rise and fall from year to year. She also pointed out that the previous conditions at the wetland were temporary and illegal and therefore no useful comparison can be made between present and past conditions.

The issue of the grade problem from station 4+00 to station 5+50 was discussed. Hebb explained that the existing contours on the plan appear to be inaccurate, the difference between the existing and proposed contours is greater than was planned, and therefore the approved grading of the shoulder cannot be implemented in the few feet between the paving, the stone wall marking the abutter's property line, and the wetland. The Board commented that in addition to the Planning Board's concern that the road drain properly

for human safety, the Conscom will be concerned that the abutting wetland may be negatively impacted. The P. A. reported that last fall, the liaison, then George Foote, and Hebb walked the site to review the problem after Westcott Engineering notified Hebb and proposed some changes. Foote asked Hebb to have Westcott quantify and detail the proposed solutions so that he and Parent could review them and make recommendations to the Board regarding whether to approve them, and whether they constituted a minor or major modification. He felt they were probably of a minor nature. Parent reviewed the amended road profile submitted by Westcott and the request to eliminate the catch basins at that problem area, as well as the proposal to place a subdrain along the west side of the road from station 6+00 to the cul-de-sac. He asked for more information, commenting that the subdrain was a good idea, and that the catch basins could be replaced by grassy swales.

Hebb explained that the underdrain takes the flow from the upland on the west and sends it into the wetland through the culvert; he said further that he doesn't believe swales can be implemented on the wetland side of the road. Loring commented that the swale on the west side and the sump will attenuate pollution, and that perhaps with more information we will find a swale on the east isn't necessary to protect the wetland. The P. A. mentioned that Parent suggested the possibility of a wall at the edge of pavement, with swales running into the wetland behind the wall. Chaput commented that she is concerned about erosion of the bank at the base of the wall; she asked whether Hebb can rebuild and stabilize the wall. He asked Loring whether plants would hold the slope; she replied perhaps they would, but a higher wall would mean a less steep grade to implement and might be a better solution. Hebb said that he had raised the level of the road at that low point 6 inches to one foot to decrease the longitudinal grade, but that there would have been a problem anyway. Duscha asked Finn her feelings about possible solutions; Finn replied she didn't want a concrete wall there. A stone or landscape timber wall or "Cape Cod" berm along the edge of pavement was discussed. Loring asked where it would drain. If it drains directly to the wetland, she thinks a sheet flow design might be preferable if the grade can be gentle enough. Loring asked if the Board wanted a drainage swale or not. Chaput commented that after Loring's input the Board may question the need for a swale on that side. The Board asked Hebb to come up with some detailed plans for a solution. Hebb stated that the tree replacement portion of the estimate was too high, and that he intended to do the work of installation and watering. He asked that it be reduced to \$3000. from \$5120. The P. A. raised the issue of the outstanding engineering consulting bills, amounting to \$3200, and the need for an "as built" plan, which might cost several thousand dollars; the amount in the estimate for engineering is only \$4,400. The Board agreed to lower the tree replacement estimate to \$3000, but increased the engineering portion to \$7000. All other reductions recommended by Parent were accepted, allowing a net reduction of \$14,955. Colman moved that the Town Treasurer be instructed to withdraw that amount from the passbook; Hughes seconded the motion. Chaput, Yanofsky, Colman, Hughes and Ernstoff voted in favor; Duscha abstained.

Brown ANR Peter and Charles Brown were present. Ernstoff reported his conversation with Town Counsel Cutler. She felt that it is possible to interpret Section 81-L of Chapter 41 as requiring an ANR lot to have the frontage required under the zoning in effect at the

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time of the submittal of the ANR. She felt also that Land Court, on an appeal from a decision reflecting that interpretation, might well find against the Board on the basis of deprivation of use. She felt too that precedent setting should not be a concern; the composition of Boards changes over time and different Boards will interpret unclear and untested sections of the law differently. There is no legal precedent set by what we do; there may be a moral one. It is also unlikely that the very same circumstances would be repeated. The possible actions for the Board are: 1.) Take no action, thereby approving. 2.) Disapprove. 3.) Disapprove, but offer the Section 81-R process, which entails a waiver from subdivision requirements for a road. 4.) Approve. Chaput questioned the usefulness of the third option; she then moved the plan be denied. Duscha seconded the motion. Hughes stated her opinion that bringing the second lot into conformance with the minimum acreage requirements for the district while not reducing the first lot below that minimum is a perfectly legal and reasonable thing to do and meets the goals of two acre zoning. The frontage is not affected and can never be. Yanofsky commented we have the leeway to approve; based on Cutler's statements we have a 50-50 chance of being right. It became apparent that the vote would be split 3 to 3, thereby constituting no action. The vote was: Chaput, Colman and Duscha to deny; Yanofsky, Hughes and Ernstoff to approve. The Board explained the results of the vote to the Browns.

Burak ANR The Board signed the plan which had been approved at the last meeting pending addition of the statement that Planning Board signatures do not indicate zoning conformance. Duscha abstained from signing because she has realized she is an abutter. The P. A. was asked to discuss with Bob Koning, Building Inspector, how and when he reviews ANR's for zoning conformance, so that we can make our ANR process work effectively.

Master Plan Yanofsky proposed the Board schedule an extra meeting so members can have the time to discuss the meeting on June 21st to which all boards and committees will be invited. The Board agreed to meet on June 14 if all schedules could be cleared and a room booked. Members also agreed to limit discussion at the June 21st meeting to process, to organizing our next steps, and to disallow discussion of specific goals at this time. The agenda for that meeting will include a description of what is required in a Master Plan. All attendees will be asked for their thoughts on process; the Board intends to listen. The P. A. will send an invitation to all boards and committees, and Hughes will send a letter to the Mosquito inviting all townspeople.

The Board discussed summer schedules. The P. A. mentioned that the round trip from the Carlisle Education Center to town hall will be four miles and that Loring had suggested Conscom and Planning buy a fax. The Board recommended the P. A. look into it and report back. Phone lines have been ordered but a fax will need an additional line. The move is scheduled for June 22, so the June 21st meeting will be the last one at Spalding School. The meeting adjourned at 12:05.

Sandy Bayne, Planner Assistant